

UNITED STATES DISTRICT COURT

for the
District of

Division

FILED

JAN 14 2021 DB

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN.

Case No.

03-21 0032

(to be filled in by the Clerk's Office)

HARIKA SUVAK

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☒ Yes ☐ No

CATERPILLAR FINANCIAL SERVICES CORPORATION

Defendant(s) **SEE ATTACHED**

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

HARIKA SUVAK

Street Address

326 DAVID BOLIN DR

City and County

LAVERGNE, RUTHERFORD

State and Zip Code

TN - 37086

Telephone Number

936-444-8565

E-mail Address

harikasuvak@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name CATERPILLAR INC
Job or Title (if known) CORPORATION.
Street Address 100 N.E. ADAMS STREET
City and County PEORIA
State and Zip Code ILLINOIS - 61629
Telephone Number
E-mail Address (if known)

Defendant No. 2

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Defendant No. 3

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Defendant No. 4

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name CATERPILLAR FINANCIAL SERVICES CORPORATION
Street Address 2120 WEST END AVE
City and County NASHVILLE, DAVIDSON
State and Zip Code TN - 37086
Telephone Number 615-341-9000

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Other federal law (specify the federal law):

PREGNANCY DISCRIMINATION ACT OF 1978

- ☒ Relevant state law (specify, if known):

TENNESSEE HUMAN RIGHTS ACT

- ☐ Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ 1. Termination of my employment.
- ☒ 2. Failure to promote me.
- ☒ 3. Failure to accommodate my disability.
- ☒ 4. Unequal terms and conditions of my employment.
- ☒ 5. Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s) JAN 2018 to NOV 2019.

SPECIFICALLY OCT 2018, DEC 2018, FEB 2019, AUG 2019 & NOV 2019
PLEASE SEE ATTACHED EEOC Charge.

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race _____
- ☐ color _____
- ☒ gender/sex PREGNANCY DISCRIMINATION
- ☐ religion _____
- ☐ national origin _____
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☒ disability or perceived disability *(specify disability)*

PREGNANCY

E. The facts of my case are as follows. Attach additional pages if needed.

1. Caterpillar Terminated my job on Nov 8th 2019 noting Technical expertise as an issue on the Performance plan that I was placed on as a pretext due to my pregnancy.

2. As part of the ISFP program, I was supposed to be promoted to IS Analyst II just as others that started in my batch 2018, but I was not promoted due to pregnancy. 3. Throughout my pregnancy, Caterpillar failed to accomodate work from home that

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

it provides to its employees a break pumping sessions were counted against my presence & availability. 4. My Complaints to HR have resulted in increased pressure from Managers & Team Leads.

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

1/16/2020

- B. The Equal Employment Opportunity Commission (check one):

- ☐ has not issued a Notice of Right to Sue letter.
☒ issued a Notice of Right to Sue letter, which I received on (date)

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

- ☐ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Caterpillar has stolen my happiness of being a new mother & caused me depression & immense distress & pain.

(5) Reinstatement/Promotion if I can't find a job in near future

I request the court to order (1) Back Pay for lost wages of \$45,000 per annum (2) Front Pay since Caterpillar is such a big name, I have faced trouble finding a job because it is making me look bad & hurting my professional profile & career. Also, Covid has made it 10 times hard to secure a job. I humbly request this for until I find a decent job, \$6000 per month. (3) Compensatory damage for emotional distress & suffering \$200,000. (4) Punitive damages of at least \$50,000 since I do not want the company to use plans full of lies to discriminate a mother & cause emotional trauma.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 1/14/2021

Signature of Plaintiff

Harika Suvar

Printed Name of Plaintiff

HARIKA SUVAR

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address